

**Student Assistance Services:
Policy Considerations and Implementation
A Companion Guide to Article 4**



Indiana Department of Education
Office of Student Services
Revised 2008

STUDENT ASSISTANCE SERVICES GUIDE OVERVIEW

“Student Assistance Services; Policy Considerations and Implementation” is a guidance document to assist schools in implementing the requirements of 511 IAC 4-1.5-5, also known as Article 4 and/or the Student Services Rule.

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STUDENT ASSISTANCE SERVICES: POLICY CONSIDERATIONS AND IMPLEMENTATION

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CHAPTER 1: OVERVIEW OF STUDENT ASSISTANCE SERVICES

As defined by the Indiana State Board of Education's administrative rule, IAC 4-1.5-5, **Student Assistance Services (SAS) refers to those services whose purpose is to prevent or alleviate problems that interfere with student learning.** IAC 4-1.5 states in Section 5:

(a) School corporations shall provide student assistance services at the elementary and secondary school levels.

Schools must provide student assistance services as defined by the law to meet accreditation standards.

There are four basic components of Student Assistance Services:

- 1) Prevention
- 2) Referral
- 3) Assessment and
- 4) Intervention

These services are to be coordinated by a school counselor, school social worker (Masters level), or school psychologist who will also deliver many of the services. The core of Student Assistance Services and the principle delivery system is the multidisciplinary team. The team is the preferred method of delivering Student Assistance Services for several compelling reasons:

- To improve the quality of intervention strategies by utilizing the skills and experiences of each member of the team.
- To share the burden of responsibility for decisions that greatly impact the lives of others.
- To increase the capacity of the school staff and parents to handle student problems.
- To increase the accountability of the school's system of identifying and referring students experiencing difficulty.

Article 4 defines:

- Prevention services including:
 - (A) assisting teachers and parents in delivering the health and social studies proficiencies of the school curricula;
 - (B) collaborating with community resources to develop summer and extended school programs to meet the social and recreational needs of students; and
 - (C) educating school staff and parents on the developmental needs and behavioral management of students.

Prevention services may also include all school-wide, research-based initiatives that teach students the expected behavioral and social skills that will allow them to fully benefit from education.

- Assessment services including:
 - (A) educating school staff and parents to identify and refer students who are experiencing problems that interfere with student learning;
 - (B) obtaining and interpreting data on student needs; and
 - (C) implementing the school's policies and procedures with regard to identifying and referring students with their families who are in need of special services.

Assessment may occur at the school district, school, class, or individual student level, dependent on the data needed to inform the appropriate service.

- Intervention services including:
 - (A) providing brief individual and group counseling to students and families who need help with personal concerns or developmental problems; and
 - (B) providing consultation services to school staff and parents regarding strategies for helping students cope with personal and social concerns.

Intervention services may also include using research-based interventions to address the academic, social, emotional, behavioral and/or mental health needs that may interfere with student learning.

- Referral services including:
 - (A) implementing policies and procedures for referring students and families to student assistance services and to community agencies for intensive counseling or other specialized services not available from the school;
 - (B) disseminating a directory of community services and resources; and
 - (C) creating a system to monitor referrals to ensure that students and families receive services in a timely and appropriate manner.

Student Services

Student Services are those services available to every student, whether at the school-wide/prevention level, the targeted group or individual level, or at the level at which students might require more intensive school or community services. Services can be academic, social/emotional, behavioral, physical and/or mental health services. **Student Assistance Services** refer to those services provided by the Student Assistance professionals identified in Article 4; Masters level school social workers, school counselors and school psychologists, each of which offers services within the scope of their expertise. Student Assistance Services are provided in response to a referral from the family or school professional, and/or when school or individual student data and/or observations by school professionals indicate the need for such services. For example school data may reveal that the provision of a school-

wide Positive Behavioral Intervention and Supports (PBIS) program significantly decreased the number of office referrals; a targeted anger management group reduced the number of suspensions for fighting; or documentation revealed that 85% of students in individual counseling met their counseling goals. Data can indicate a need and also provide evidence of effective programs and services.

Other Student Assistance Services

Student Assistance professionals may also provide services in response to a crisis when immediate action is required, or in response to a referral for a brief consultation. Student Assistance professionals provide many direct services and programs to schools such as professional development, linkages to community resources, and service to committees. Also Student Assistance professionals are identified as those professionals who may provide “Related Services”, such as counseling, to those students requiring Special Education services as indicated in their Individualized Education Plans (IEP).

Prevention

School-wide prevention plans and programs are provided in response to an analysis of school data such as academic achievement, attendance, discipline, dropout, graduation and racial diversity information. Prevention programs ideally must be research-based. Examples, such as Positive Behavioral Interventions and Supports (<http://www.pbis.org/main.htm>) or the Olweus Bullying Prevention program (www.clemson.edu/olweus/) have a proven record of effectiveness when implemented with fidelity. Additional research-based programs may be found at the IDOE Website Research Based Intervention Library <http://www.doe.state.in.us/sservices/ssw.html> or http://www.ode.state.in.us/sservices/counseling/best_practice.html.

It is important to prioritize proactive Prevention Services in any student assistance school plan because they typically provide the most good for the most students and reduce the number of students requiring reactive crisis and/or intensive interventions. Funding for such prevention programs may be allocated under the new IDEA guidelines that allow 15% of a district’s total federal IDEA funding to provide services to students before they are identified as having a disability.

Assessment

Assessment relies on observation and data analysis and may occur at different levels of the assessment process. Initial screening completed by staff, parents, students, and/or community persons may identify an area of concern regarding the school or an individual student. The role for the Student Assistance Services professional and the Core Team, at this first level, is to assist the school community in developing an awareness of potential student problems and provide consultation when school personnel are working to accurately identify potential barriers to learning. At this level, school-wide and grade level interventions to combat such barriers should be available and readily accessible. If such interventions do not achieve the desired results, as indicated by the data, a referral system to the Core Team should be in place and readily accessible. Once a referral is made, the Core Team will initiate a more in-depth assessment and problem-solving process, using existing data, to determine

whether further assessment is needed. Student Assistance Services professionals may be needed to provide additional assessments within the realm of their expertise.

Intervention

Intervention services are determined by the assessment process and may be:

- School-wide, for example, when in response to data indicating that the school is in need of a bullying prevention program.
- Targeted, for example, when an assessment identifies the need for an anger management group or individual anger management counseling.
- Intensive, for example, when a special education student requires intensive counseling.

Referral

Referral services can be both internal and external. Internal referrals can come from staff members directly to the Student Assistance Services professional, or to the Core Team for assessment and problem solving prior to the determination of intervention services. Through teacher in-services, parent newsletters, student handbooks, and other forms of communication, the Core Team informs key constituents on the procedures for referring for Student Assistance Services. External referrals may be to community agencies by the Student Assistance Services professional and/or the Core Team. These community referrals may augment the intervention program being provided by the school, or the student and family may be provided with a list of community resources, which if accessed will be the primary provider of services.

CHAPTER 2: POLICY AND PROCEDURES

Policies and procedures regarding Student Assistance Services are important for a number of reasons. As will be discussed in Chapter 10 regarding Legal Issues, all school programs are grounded in federal or state rules or local policies. Student Assistance Services are based, first of all, on Article 4, which is the Indiana State Board of Education administrative rule and is also referred to as the “Student Services Rule.” It is important to note that all public and accredited nonpublic schools in Indiana must comply with the Student Services Rule for accreditation. It is therefore recommended that each school district develop a Student Assistance policy that reflects this rule. In addition, having a locally approved Student Assistance policy gives these services a foundation. Equally important, the process of getting local board approval for such a policy gives visibility to the services and communicates to all staff and parents the message that these services are important and that procedures associated with the policy are to be followed.

Policy

Policies are written in general terms and reflect the beliefs or philosophy that the local school district has toward Student Assistance. The following ideas are recommended for consideration when writing a Student Assistance policy:

- All students and families will be treated with dignity and as active partners to the fullest extent possible.
- Equity and fairness are best guaranteed when systematic procedures are developed and followed.
- Parents will be involved at the earliest time and to the fullest extent possible.
- Confidentiality is paramount and will only be breached when required by law.
- Student Assistance professionals shall adhere to the highest ethical principles and provide only those services for which they are qualified.

The relationship between Student Assistance policies and disciplinary policies should be considered. It is important to note that students may demonstrate a social, emotional, or mental health need through the manifestation of what may appear to be difficult behaviors. Just as professionals should value the principle that all students can learn when addressing an academic need, the idea that all students can succeed regardless of social / emotional/behavioral issues should also be considered. The ultimate goal is to help students achieve their full potential while overcoming their obstacles. This idea should be considered when updating local policy and procedures regarding student assistance and discipline.

Procedures

Student Assistance Services may be provided directly by Student Assistance Services professionals in response to an identified need or from a need identified through a multidisciplinary “core team” process. Core team process and procedures are outlined in Chapter 3, while Chapters 4-7 provide guidelines for the prevention, early assessment, intervention, and referral process. Procedures should also address how the Core Team will process the data collection, referrals, interventions, progress monitoring, and documentation of students.

CHAPTER 3: CORE TEAM

Core Team

In addition to the services provided by individual Student Assistance professionals, Student Assistance Services may also be delivered using a multidisciplinary team called a “Core Team”. The Core Team is the student services assessment, intervention, and referral team which is responsible for identifying student needs and suggesting appropriate interventions to meet the identified need. In addition, the Core Team assists the school improvement team in the identification of school-wide needs and the implementation of school-wide prevention. The Core Team may be composed of school representatives including: administration, general education teachers, special education teachers, school nurse, the Student Assistance professionals as well as others determined by the school population (such as the English as a Second Language (ESL) teacher). It is important to have representation from all school disciplines.

It is suggested that the Core Team meet at the beginning of each semester (prior to receiving student referrals) to assess the needs of the school by reviewing school data, and planning, in conjunction with the school improvement team, any needed school-wide programs, interventions and/or professional development. Thereafter, the Core Team is expected to meet regularly to review collected data (existing data, interventions and their outcomes) about students who are a concern (academically, socially/emotionally or behaviorally) to school staff, to team members, other students, parents, or community members.

Core Team Process

The Core Team uses a problem-solving process to evaluate individual referrals; determine if additional information is warranted; develop an individual plan that will include an intervention; specify the progress monitoring process and timeline; and document outcomes within a designated time-frame. Student Assistance professionals may provide assessments and interventions within the realm of their expertise. Student intervention plans should be reviewed and reevaluated in a timely manner to determine if goals have been met or if additional services are required for the student to be successful. Core Team members determine the logistics of managing the Core Team, the responsibilities/roles of each team member, length and times of meetings, etc., to best meet the needs of the school.

The multidisciplinary team is trained in Core Team procedures and strategies. The team meets to assess the needs of students referred to the team; determine indicated strategies; and to develop student intervention plans. Attention to team dynamics will improve the quality of strategies and decisions offered to students and families. Teams combine professional staff with unique orientations and diverse talents and expertise. Time must be provided for the team to advance through team developmental stages, work together effectively, and blend together different styles and strengths. Team members who have strengths in such areas as verbal and nonverbal communication, problem solving, organizational skills, accountability and commitment, creative thinking, and task orientation are instrumental for an effective team. Core team members recognize that information shared during the core team process is confidential.

Team Members

A cross section of the entire school staff who are respected add credibility to the team. Special areas within the school need to be represented such as administration, student services, special education, English as a second language (ESL), as well as general classroom teachers. The referring teacher is always a vital component to a successful team. Also, consider staff with school-wide responsibilities, such as Title I, fine arts, and physical education, who may follow many students throughout their school careers. Foremost among team characteristics is for team members to be child advocates who will make decisions in the best interest of students.

Open and clear communication is imperative for ensuring cohesion and collaboration. Cohesive teams are able to provide appropriate feedback to one another and offer constructive ways to identify and deal with conflict. It takes time and deliberate measures to build cohesive teams; therefore, team members are encouraged to commit to a specific term before rotating off the team. Specific positions within the school will require a longer commitment from some team members, such as the Student Assistance professional, the administrator, or the school nurse. To prevent the team from becoming exclusionary, a regular rotation schedule should be established.

Pre-Meeting Tasks

The team leader (oftentimes the Student Assistance professional) will need a preliminary file or case for presentation to the team. The expectation is that the student's classroom teacher will have begun to gather information as they have direct contact with the student and are oftentimes the first staff member to recognize the student is struggling. Prior to the presentation of new student information to the Core Team, all necessary information related to the student's academic and social/emotional/behavioral history, including data collected from interventions implemented in the classroom prior to the student referral, should be collected including:

- The student's cumulative records;
 - Attendance, grades, state ISTEP+/GQE test scores, school-wide test scores, discipline records, health records.
- Surveys or interviews from staff who have or had contact with the student
- Informal observations of students.
- Any information pertinent to the student's family collected from:
 - Direct family contact.
 - Information gathered from the student's teacher.

Team Meeting Roles

For an effective team meeting, specific roles can be assigned to team members to expedite the review of materials, assist in the documentation of interventions and the individual student plan, provide measures for keeping team members focused on the discussion, and serve as a record of the meeting.

Team Coordinator

- Schedules meeting and logistics.

- Coordinates function of team.
- Gathers and prioritizes referrals.
- Maintains student records.
- Assigns Case Managers.

Case Manager

- Gathers all necessary student information.
- Consults staff involved presently and if necessary in the past with the student.
- Provides information from contact with parents.
- Completes student summary form.
- Reports findings and updates to the team.

The role of the case manager may be assigned to any core team member; however, each core team member is responsible for being assigned to this role.

Recorder

- Records group discussion and decisions that are made.
- Provides team minutes to team leader.

Facilitator

- Keeps the group on time and informs members when a transition will occur.
- Keeps members on task.

Core Team Participants

- Stay actively involved in discussion.
- Draw from their area of expertise.

Team Meeting

Team members should come to meetings prepared to collaborate with each other. It is important to be on time and available for the entire meeting. For each new student referral made to the Core Team, a case manager is appointed to gather data and information on that particular student. At the meeting designated for a new student referral, the case manager is expected to provide a summary of the referred student, which might include but is not limited to: grades; attendance; test scores; discipline records; teacher, parent, and counselor input; medical history; etc. When discussing a new referral, the referring professional may be present to answer questions and to take an active role in the meeting.

Once all relevant student information is presented to the Core Team, the case conceptualization and problem solving process begins. Team members will work towards developing an individual student plan, including best practice/research-based interventions which should be implemented with fidelity, while regularly monitoring and evaluating student progress.

Example Outline for an effective team meeting:

- Brief update on previous referrals.
- Orientation of guests (welcomed into the meeting following the conclusion of updates on previous student cases).

- Guests might include parent(s); referring teacher; additional professionals working with the student (i.e., probation officer, therapist, family physician).
- Guests should be debriefed on the team process and confidentiality should be emphasized.
- Presentation of new student information.
- Analysis of data; implementation of problem solving process.
- Development of Student Plan.
- Dismissal of Guests.
- Identification of new student referrals and assignment of case managers.

Documentation

The Core Team Coordinator is responsible for the maintenance of team records (see Chapter 10, Legal Issues, to review legalities of record keeping). Schools are encouraged to have only objective comments and observable behaviors documented on the referral forms. The team should document only the intervention or assessment plans that are chosen by the team. It is not necessary to document group comments. A single copy of these forms, along with other significant records, should be kept in the Student Assistance Services file for each student. This file is part of the student educational record and subject to FERPA regulations. This documentation serves the dual purpose of substantiating the team process as well as meeting requirements for providing research-based, targeted interventions.

Team Maintenance

The team will be dealing with highly sensitive issues related to students, families, and communities. To help provide longevity and prevent “burnout” of team participants, it is important for team members to practice healthy communication and to support one another. Team maintenance techniques, along with benevolent and realistic attitudes and goals, are encouraged. Team maintenance may include holding a quarterly meeting discussion devoted to the team process and progress made over the course of the year. Celebration of successes when they occur, and especially at the end of the school year, can bring a sense of accomplishment to a difficult job. Each individual team member should be challenged to examine his/her personal boundaries and reasons for choosing to participate on the core team. It is important to recognize that over-commitment to the team and unrealistically high expectations for success with all cases can lead to burnout. The following behaviors may reflect burnout: not coming to meetings prepared; coming late and/or leaving early; being preoccupied during the meetings; acting defensively; limited problem solving (feeling stuck); and feelings of hopelessness or blaming. When members begin to develop a pattern of such behaviors, the team must address the underlying issues and resolve any conflicts that are interfering with team cohesion and effectiveness.

Teams may request that certain members commit to the team for the entire school year because they may be the only such professional available to the school, for example the school psychologist or school social worker, but other team members may choose to rotate.

CHAPTER 4: PREVENTION

511 IAC 4-1.5-5 Student Assistance Services

Sec.5

(c) Student assistance services shall include, but are not limited to, the following:

(1) Prevention

Article 4 recognizes the obligation to provide school-wide systems of support that will address the social, emotional, behavioral, and mental health needs of students so they may benefit from instruction. There is a growing body of research that is leading to a better understanding of the factors which positively and negatively influence child and adolescent behavior (see the bibliography on Risk and Protective Factors at <http://guide.helpingamericasyouth.gov/programtool-factorsbibliography.htm>). A broad range of evidence indicates that “school-based prevention and youth development interventions are most beneficial when they simultaneously enhance student’s personal and social assets, as well as improve the quality of the environment in which students are educated” (Eccles & Appleton, 2002). Such interventions include Positive Behavioral Interventions and Supports (www.pbis.org), Bullying Prevention (<http://www.clemson.edu/olweus/>), Social and Emotional Learning, (<http://www.casel.org/>), building personal and social competencies through the school curricula (both the Social Studies and Health Education Curriculum Standards address personal and social competence), and the provision of mentoring programs (http://www.doe.state.in.us/sservices/sc_mentoring.html). In addition, the state of Indiana has identified Student Standards for Guidance with a specific focus on Academic, Career, and Citizenship Development. The Citizenship standards include content specific to the areas of social, emotional, and behavioral guidance for students in Grades Kindergarten-12. Examples of this guidance curriculum might include bullying prevention, conflict resolution, or behavior management. Having a guidance curriculum aligned to Indiana’s Universal Student Guidance Standards can be a very effective way to provide students with affective skills to promote their personal/social development. Other prevention programs that have been shown to be effective in improving school climate and personal competence include parent education, conflict mediation, advisory programs, and character education to name a few.

Student Assistance professionals are uniquely qualified to assess and provide prevention services at the school-wide level because of their knowledge and expertise in the areas of the social, emotional, behavioral, and mental health issues that may be preventing students from benefiting from instruction. Student Assistance Services professionals ideally lend their services to the Core Team in identifying, through data, the prevention needs of the school and then assisting with providing the resources and programs that can address such needs. Research-based prevention resources can be found at the school social work and school counseling Websites at www.doe.state.in.us/sservices.

CHAPTER 5: REFERRAL

There are two kinds of referrals for Student Assistance Services— internal and external. Internal referrals are those made directly to the Student Assistance professional for immediate assessment and intervention, if necessary, or to the Core Team. Student Assistance professionals serving on the Core Team will lend their expertise to the Core Team process. External referrals are those referrals from the Student Assistance professional or Core Team to a community resource. As stated in Chapter 2, all administrators, teachers, support staff, and parents should be knowledgeable about the policies and procedures regarding internal referrals. Procedures should be included in staff, parent, and student handbooks. Annual presentations at teacher orientation or in-service days are highly recommended.

A good referral system depends, first of all, on appropriate referrals. Completed referrals to the Core Team will include the necessary data to make an educated assessment and determination of services through the process of problem solving. It is particularly critical to make school staff aware of potential problems with shy, socially isolated children. Aggressive and antisocial children can often obscure the view of withdrawn children.

Each school and Core Team develops its own protocols for the formal referral process taking into consideration the importance of **maintaining student/family confidentiality**. Included in the referral to Core Team will be the necessary data to begin the problem solving process and develop an initial plan for the referred student. Traditionally the Core Team Coordinator receives the initial referral and assigns a case manager to gather all necessary data to present to the Core Team. Schools/Core Teams may develop a check list of required information to assist coordinators. The check list may include academic data, discipline data, parent contacts, previously attempted strategies, teacher observations, and student strengths. The Core Team Coordinator may choose to summarize this information as indicated by the referring professional(s) before presenting the referred student to the Core Team.

It is the philosophy of the Core Team model to involve the referring person in the planning and implementation of the student intervention plan when appropriate. It is important to remember that a referral does not remove the referral source's responsibility for the student. The concept of referring is changed from one of "passing a student along to someone else" to "expanding the circle of resources and support" for aiding students and their families. However, there will be times when the referring person is not involved in the Core Team discussion. It is important in those instances that the referring person receive some feedback from the Core Team when appropriate. Some case information may be sensitive and may have to be withheld.

Individual referrals will be kept to a minimum if the School/Core Team has accurately used data to assess the needs of the school and has provided the needed professional development and school-wide interventions to meet those needs. Core Teams should meet as often as needed to respond in a timely manner to those individual referrals that are received.

External referrals are made to outside resources when an identified need cannot be met by the school. For both legal and ethical reasons, referrals should not be made to specific community providers. It is recommended that the Core Team maintain a list of community providers for various services, which may be shared with parents when appropriate. Once

the external referral has been made, the school needs to monitor progress by maintaining contact with the student and parent and external agency or provider. Release of information documents may be utilized to allow communication between the referral source and the community agency.

CHAPTER 6: ASSESSMENT

511 IAC 4-1.5-5 Student Assistance Services

(2) Assessment, which includes:

- (A) educating school staff and parents to identify and refer students who are experiencing problems that interfere with student learning;
- (B) obtaining and interpreting data on student needs; and
- (C) implementing the school's policies and procedures with regard to identifying and referring students with their families who are in need of special services.

Assessment, as used in the context of this program guide, is an activity directed toward understanding a concern that a teacher, other school staff member, peer, or parent may have about a student, or when performance data for a specific student, or group of students, indicates a reason for concern. More specifically, it includes the process of collecting information for use in the evaluation of a student's academic, personal, and social development. Once this information is gathered, it is then used to assist in understanding the causes underlying the problem and providing information that will be used in developing a student intervention plan designed to assist the student.

Assessment can be pictured along a continuum of activities. It begins at one end of the continuum with very informal observations by individuals who have daily contact with a student. At the other end of the continuum is the use of specific tests by a trained professional in a particular field. Assessment information can be obtained through a variety of techniques, including general observations, standardized tests, interviews, questionnaires, checklists, projective tests, behavioral observations, self reports, reports by significant others, and clinical procedures. At some point in the assessment process, some or all of the above may be needed to better understand a child. It is not the design of this chapter to address these more specific assessment procedures but to give a general overview of the assessment process as it relates to the educational setting and the Student Assistant Services concept.

Essential to the process of assessment is the idea of change. The data that has been collected through the assessment process provides the information to develop interventions and adaptations to assist the student. If those interventions are research based and implemented with fidelity, positive change is anticipated. As the interventions are attempted, the assessment process continues to be used to measure and monitor any noticeable change. It is important to note that the assessment process includes both the gathering of information to make interventions and the gathering of information to determine the success of those interventions.

In general, assessment should address the following questions when there is a concern about a student:

1. What is the specific problem, concern, or issue?
2. When did it first become evident?

3. When and where does it occur?
4. How frequently and consistently does it occur?
5. What function does this behavior serve for the student?
6. To what degree does it influence a student's progress?
7. What areas of a student's life are impacted by the concern?
8. Who does it affect other than the student?
9. Is the concern consistent or inconsistent with normal developmental stages expectations?
10. What is the primary reason(s) it is believed to exist?
11. What other factors could be an influence?
12. What are the supports or strengths that are present?
13. If multiple concerns exist:
 - What is the priority of those concerns? (i.e., what are the top one to three concerns that need to be addressed first?)
 - Are interventions compatible if multiple concerns are addressed at the same time?
14. What resources are needed? Are the resources available to address the identified concern?
15. How will we know if significant change has occurred?

The Assessment Continuum: Pre-Referral

Assessment at this point consists mainly of informal observations of the student and the use of data that are already collected. This data includes classroom test scores, homework, standardized group test scores, grades, attendance, known health problems, and other similar information. Most of the information at this level is provided by a student's teachers and/or parents/guardians.

The concern at this point is most often identified in broad terms as being either behavioral, academic, or both. Usually, the student is functioning differently than he/she has been in the past, or the student is functioning at a different level than is expected for his/her age and grade level. The teacher will try different strategies in the classroom, the parents will try different strategies at home, or the Student Assistance professional may provide an intervention to see if any improvement occurs. Home and school may or may not be working together at this point. If the teacher(s), Student Assistance professional and/or parents believe that their interventions are not working, a referral is made to the Core Team.

The Assessment Continuum: Core Team Assessment

The Core Team Coordinator (CTC) will work with the referral source to ensure the referral form is complete. When the referring source is a teacher, the expectation is that the teacher has already done a records review and has made parent contact. Moreover, the teacher will be the direct source for such critical information as daily classroom performance and behavior. When the referring source is the parent or a school staff member other than the student's teacher, the CTC will assume more responsibility to ensure that the referral process is completed.

The Core Team then reviews the information on the referral form and the CTC assigns the student referral to a case manager. The case manager is responsible for gathering additional information, which may be sought from the teacher or other referral source. Additional information also may be sought from other teachers and from the parents, if the parents have not yet been contacted. More formal classroom observations may be done using a standardized instrument, and various screening instruments may be used. The use of standardized assessment instruments is most likely to be done after the case has been presented to the team, and the team decides that its understanding of the student is incomplete or inconsistent. Before individualized assessment instruments are used, parent consent must be obtained.

For an excellent resource packet on Screening and Assessment: Indicators and Tools that was compiled by one of the National Centers for Mental Health in the Schools go to <http://smhp.psych.ucla.edu/pdfdocs/assessment/assessment.pdf>.

If a student intervention plan is developed by the Core Team, the intervention plan itself then becomes part of the assessment process. After a set time, the referring teacher is invited to report on the outcomes of the intervention plan. Together the teacher and team and perhaps the parents assess any change that resulted from the use of the attempted strategies. As a result of this review of the intervention plan, additional modifications may be made. The student intervention plan thus becomes an ongoing tool in the assessment process. This process may continue until the desired outcome is achieved or the case is reevaluated by the Core Team.

The Assessment Continuum: Expert Evaluations

The decision may be made by the Core Team or the parent that a more extensive and expert evaluation or assessment is needed. The referral may be internal to the school, for example to a school psychologist, or external to a professional licensed by the Health Professions Bureau, such as a physician or clinical psychologist. Expert evaluations most often occur as a natural outcome of going through the first two points on the assessment continuum. However, a referral for an expert or extensive evaluation can occur at any time. Parents have the option of initiating an expert evaluation independently of the school. Independent evaluations should not be viewed as a lack of confidence in the school but rather as an opportunity for collaboration. All available information should be used in developing the student's intervention plan.

CHAPTER 7: INTERVENTION

511 IAC 4-1.5-5 Student Assistance Services

(3) Intervention, which includes:

- (A) implementing and monitoring a system for the provision of health services and emergency care;
- (B) providing individual and group counseling to students and staff in health related matters; and
- (C) communicating with parents and collaborating with others to facilitate the continuity of services and care.

Interventions are the response initiatives designed to address identified student needs. These may be academic, social/emotional/behavioral and/or mental health responses but, ideally, will be research-based. Interventions may be school-wide, targeted to an individual or group, or require more intensive services such as special education or community services. When supported by well designed and implemented interventions, students are more likely to reach their full potential.

Interventions begin with an assessment. A school-wide assessment, which may include reviewing attendance, achievement, and discipline data, may indicate a need for a school-wide, (Tier One) intervention, such as Positive Behavioral Supports and/or a Bullying Prevention Program. An assessment of an individual or group of students who are academically failing may indicate the need for either a Tier One intervention such as a classroom management strategy, or a targeted (Tier Two) intervention such as a more intensive reading or social skills group. Such an assessment would include a review of specific student data, which might include attendance, benchmark testing, discipline referrals, etc. Data is a necessary component to the problem solving process. The data would inform the problem solving process, which would result in a targeted intervention. Such targeted interventions would be supplemental to the core curriculum. The continued lack of progress for a student who has received targeted interventions, may indicate a learning disability and/or a social/emotional need that requires intensive individual intervention at school and/or a referral to a community resource. At this level of intensity, a special education evaluation may indicate a student in need of special education services.

At the school-wide (Tier One) level, interventions are identified, developed, and implemented by those school professionals or community resources most suited and available to provide the needed services.

Targeted, supplemental, (Tier Two) interventions responding to an academic need would be provided by appropriate educators, either the classroom teacher or possibly a reading specialist. Student Assistance Interventions at Tier Two could be provided by Student Assistance professionals or individuals in the school community trained to respond to social/emotional/behavioral/mental health needs. Health interventions would be provided by the school nurse, the school health clinic, or by the student's family doctor.

Interventions at Tier Three responding to an academic and/or social/emotional need may be intensive academic programs that increase in intensity and/or duration, intensive individual support services, and/or special education services identified as the result of a special education evaluation and recorded in an Individualized Education Plan (IEP). Those interventions responding to a serious social/ emotional need may be provided by a School Counselor or School Social Worker. Interventions at this level may range from counseling and/or academic supports in the school setting to community mental health services and/or residential placement and services, depending on the identified needs of the student.

Interventions are constantly monitored for progress and revised as needed to meet the identified goal.

Parents should always be informed and involved in any Tier Two or Tier Three initiative, except when contacting a parent is inconsistent with other school policies (i.e., child abuse referrals). Parent permission must be obtained when required for Tier Three interventions. Families should be involved at the earliest time and to the fullest extent possible, and collaborative efforts between family and school should be emphasized.

The interventions listed below are meant to be examples of the type of interventions which may be found in each category. This list is not exhaustive; additional interventions may be designed in each category. Moreover, the interventions are not exclusive to that Tier but may build upon interventions implemented at a previous level.

School-Wide, Tier One Interventions

School-wide / Grade-level Professional Development:

Examples might include Positive Behavioral Supports, Student Assistance Core Team Training, the Olweus Bully Prevention Program, Cultural Competency Training etc.

Classroom Strategies: Classroom strategies are interventions that may be initiated by teachers, coaches, community, etc., and/or Student Assistance professionals. Examples include classroom guidance lessons; tutoring; calling on the student more in class; varying teaching methodologies; and daily homework checks.

Parent Strategies: Parents may choose to implement strategies at home to help their child be successful at school. Interventions may include more frequent communication with the teacher(s), monitoring of homework, creating a study area, teaching organizational skills, and developing a system of rewards and/or consequences for targeted behaviors.

School Contracts: School contracts are agreements between a student and a school professional reached through consensus. The contract includes 1) the expected behavior of the student, 2) the expected behavior of the school (reward/consequence), and 3) a target date. Contracts may be made to help students with several educational goals such as fewer tardies, completion of homework, improved citizenship, etc.

Support for Normal Developmental Challenges: Most students need assistance in successfully adjusting to normal developmental challenges. School personnel may provide support and caring in those situations. Normal developmental challenges are temporary in

nature and may include failing a test, being picked last, teasing by peers, being the victim of a bully, accepting responsibility, completing homework, and post-secondary planning.

Educational Tutoring: Educational tutoring may be implemented by many school and/or community personnel. Educational tutoring may be delivered in many ways, such as a homework class, homework club, peer tutoring, or traditional one-to-one tutoring.

Targeted (Tier Two) Interventions

Targeted (Tier Two) Interventions are supplemental to the core curriculum. Interventions may be designed by the Core Team and implemented by trained school and community personnel (teachers, student service professionals, mentors, peer helpers, peer-mediators etc.). Examples might include:

Academic Programs: A student who does not respond to the classroom reading curriculum may benefit from a supplemental program such as Read 180.

Mentoring: Mentoring programs may include peer-peer programs, study buddies, business-mentor programs, community-mentor programs, and others. In these programs, the mentors meet with students on a regular basis to provide support and encouragement. Mentors are trained in listening skills, conflict resolution, decision making, goal setting, confidentiality limits, and referral procedures.

Peer Programs: Peer programs are programs in which students are trained to provide services for their classmates. Examples of peer programs include peer helpers in which students serve as “buddies” to other students, peer mediation in which trained student-mediators help students resolve interpersonal conflicts, and peer tutoring in which students provide tutoring for their classmates. Students who provide peer program services are trained in listening skills, conflict resolution, decision making, goal setting, confidentiality limits, and referral procedures.

Educational and Support Groups: School groups are short-term and topic focused. They are convened to provide education and support in a certain area. Groups may center around topics such as peer relations, conflict resolution, time management, goal setting, grief and loss, transition to college etc. Group facilitators are trained in listening skills, conflict resolution, decision making, goal setting, confidentiality limits, and referral procedures.

Individual Counseling: Individual counseling, provided by a Student Assistance professional, may be a Targeted (Tier Two) Intervention when it is short-term and topic focused. An example might be providing grief counseling to a student who is experiencing the loss of a parent, when this experience is affecting the student’s ability to learn.

Intensive (Tier Three) Interventions

Intensive interventions may be designed by the Core Team and implemented by the appropriate student service professional. Examples might include:

Individual Counseling: Individual counseling involves a Student Assistance professional providing individual counseling to a student on a regular basis for the purpose of helping the student explore and develop new behaviors, coping strategies, and attitudes. School counseling interventions are often restricted by time constraints unique to the school setting. These limitations result from high student/student assistance professional ratios, administrative and clerical tasks, and the availability of students. Therefore, it must be determined if the appropriate counseling may be provided in the school setting or whether a referral to a community resource would be more appropriate. If brief counseling applies, this does not imply that student assistance professionals provide scaled down versions of traditional long-term intervention models. Rather, brief counseling is a *developed, complete, optimal, and effective treatment of a short duration*. The focus of brief counseling is problem solving. With this approach, the student's problems are taken at face value. Brief counseling interventions attempt to understand the cycle that supports the problem and then interrupt old responses and provide new ways of responding. Brief counseling allows Student Assistance professionals to help students within the time constraints of the school setting. Individual counseling should be provided by a credentialed Student Assistance professional who has graduate course work in counseling theory and technique and a supervised practicum and/or internship experience in individual counseling. If a student has an emotional disability and experiences multiple emotional issues, long-term counseling may be indicated on the student's IEP, identifying short term goals, which are adjusted as the student adopts positive coping strategies and his/her needs change over time.

Group Counseling: Group counseling involves a student assistance professional providing a counseling experience for a small group of students. The counseling group provides a safe environment in which students may explore new behaviors and attitudes. Group counseling facilitators should be Student Assistance professionals who have graduate course work in group counseling theory and technique and supervise practical experiences in group counseling.

CHAPTER 8: SCHOOL CRISIS INTERVENTION PLANS

511 IAC 4-1.5-7 Crisis intervention plans

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-31-4-6

Sec. 7. Each school corporation shall, in concert with the emergency preparedness plan developed under 511 IAC 6.1-2-2.5, develop a crisis intervention plan for the school corporation and for each school in the school corporation. The plan, which should be developed by student services personnel in conjunction with school administrators and community crisis intervention personnel, shall include crisis management and intervention provisions.

As traumatic losses and events become more frequent occurrences in our society, the need for schools to have a crisis plan and procedures to follow has increased. A crisis plan enhances both the school district's and the community's ability to respond immediately and effectively to any type of crisis situation.

School counselors, social workers, psychologists, nurses, and other Student Services professionals are the individuals in a school setting who are most frequently called upon to assist students, staff, and the community when crisis situations occur. Prevention, assessment, intervention, and referral are as critical to a crisis plan as they are to the total Student Assistance area. As such, a school's crisis plan is viewed as an essential part of Student Assistance.

The purpose of this chapter is to give an overview of a crisis plan and the role of a crisis intervention response team. The specifics of each school corporation's crisis plan and the composition of the crisis team will vary depending on the size, location, demographics, and the internal and external resources that are available.

A crisis situation has the potential of overwhelming the resources of an individual school, school corporation, or community. The occurrence of a crisis therefore demands a coordinated response which collectively utilizes the helping services of both school and community resources. To respond to these situations, it is recommended that every school district have the following in place:

1. A crisis management plan.
2. A plan for mental health intervention.
3. A process for the integration of the crisis management plan and mental health intervention.

Schools are particularly encouraged to give careful consideration to the mental health component of a crisis plan. This is an area that is frequently not given enough attention when plans are developed.

Crisis Defined

An event does not have to be overwhelming or involve a death before there is a need to respond in an organized and comprehensive manner. By definition, a crisis can be any event or situation, within or outside of the school community, that occupies the attention and energy of an individual or individuals within the system. While crisis events are generally viewed as those situations which could impact an entire school, a crisis situation can occur that affects only one classroom, one group of students, or even one student or one staff member. Any one of these situations has the potential to disrupt the educational process either through its pervasiveness, through the impairment of students, or through the impairment of key personnel.

The occurrence of an unexpected or traumatic event, the reactions of those who are affected by the event, and the response to the crisis that can either diffuse the situation or increase its impact are all part of a crisis situation. When any type of crisis situation occurs, an extensive variety of stress reactions from students, adults, and the community can be anticipated. The stress reactions that emerge are normal reactions of normal individuals to an abnormal situation.

Almost any behavioral, emotional, or physical symptom can be produced or enhanced by an individual's stress reaction to a critical event. Failure to respond appropriately may delay and impair positive resolution of the situation and produce unwanted consequences for both the individual and the school community.

The Crisis Intervention Plan

The crisis intervention plan should be comprehensive in that it includes pre-crisis and prevention activities; an organized and systematic response during and immediately after a crisis situation; and, post crisis follow-up activities. In developing the plan, the needs of the total system/district, each school within the district, staff members and students, and the total community should be considered.

The crisis plan is designed to give school administrators, Student Assistance professionals, staff members, and the school community a ready reference to recommended procedures relating to crisis and trauma situations. A well written plan will help the school community avoid confusion, maintain order, and return to normal as soon as possible. It will also directly assist individuals by reducing psychological suffering, reconnecting individuals with positive coping skills, and monitoring follow-up. Overall, a written plan assists the school district to fulfill ethical and legal obligations and restore and maintain a supportive, positive learning environment.

In the development of a comprehensive plan, it is recommended that each school system have in place:

1. A broad based policy statement approved by the school board to guide crisis response in the school district.
2. A comprehensive and detailed procedure manual that specifies authority and responsibilities of staff members at both the corporation level and school level and provides other crisis information.

3. Evacuation plans for two locations for each school.
4. A well developed and trained crisis response team.
5. Federal school safety procedures.
6. A School Safety Committee and School Safety Plan as required by IC 5-2-10.1-12, and a designated School Safety Specialist as required by IC 5-2-10.1-9.

Major Areas to be Addressed in a Crisis Plan

The crisis plan should be a comprehensive, living document. Once written, it needs to be continuously reviewed and changes made whenever needed. As the plan is developed, utilized, and reviewed, the following areas need to be addressed:

1. A defined procedure that outlines a chain of authority and a chain for communication.
2. A defined working agreement between the school system and the following resources: law enforcement; fire departments; hospitals, emergency rooms, and community mental health agencies; private practitioners; churches; media; local postsecondary institutions; and, other key community resources.
3. The availability of factual information about crisis situations and common behavioral, emotional, and physical reactions.
4. The formation and training of a crisis response team and a plan for team maintenance.
5. The designation of a school crisis coordinator and a crisis response team coordinator to coordinate the actions of the crisis response team.
6. Guidelines for accessing the crisis team.
7. A plan for in-service training for all administrators, Student Assistance professionals, and all other staff regarding the crisis plan and for making available written information about the plan and procedures.
8. A general checklist of steps that need to be taken in a school and/or school corporation when a crisis occurs...a checklist for day one, days two through five, and a one to six week follow-up is recommended.
9. Guidelines for gathering and verifying information concerning the crisis situation.
10. Guidelines for disseminating such information to the school community.
11. Guidelines for working with the media.

12. Guidelines for identifying and working with at-risk students and staff; including those students and staff in a separate school building who may be affected by the crisis.
13. Referral procedures and resources for students, staff, and parents.
14. A plan for debriefing administrators, crisis team members, and involved staff members and adults after the crisis intervention has occurred.
15. A procedure for evaluating the effectiveness of the plan after each crisis situation and at the end of the school year.
16. A plan for prevention activities.
17. A process for evaluating all suicide ideation and verbal threats of violence and then responding to assure the safety of the student(s) and seeking appropriate mental health intervention.

The development of materials and handouts to use with students, staff, and parents prior to the occurrence of a crisis situation is extremely beneficial. An outline of a letter to send home to parents regarding a crisis situation and the school's response and for a message to be used in answering the school's telephone after a crisis situation are two key pieces to have prepared. Warning signs of suicide ideation, factors that put a student at risk after a suicide attempt by a peer, and "no harm to self" contracts are also useful to have readily available.

The Crisis Response Team

The role of the crisis response team is to assist schools and/or individuals that have experienced a crisis/trauma situation. The overall crisis intervention plan should have an identified procedure for a school to request the assistance of the crisis response team members if the school anticipates that the reaction to the crisis situation will overwhelm the services already available in the school. It is important to keep in mind that the crisis response team's purpose is not to provide therapy but to assist by:

1. Helping to determine where students, staff, adults, the school, and the community are in their reaction to the situation.
2. Helping to determine which students, staff, and adults need further intervention.
3. Providing consultation to staff.
4. Providing consultation to parents.
5. Conducting meetings for parents and the community.
6. Assisting with referral to other community resources.
7. Assisting in planning follow-up activities.

8. Becoming involved in prevention activities.
9. Being a general resource to the school and community.

In the school setting, it is often assumed that school psychologists, social workers, counselors, and nurses, along with mental health practitioners in the community, can just assume the team role. The willingness to serve on a crisis response team, the ability to function efficiently as a member of a team, and effective team building are all key factors to address in identifying and developing a response team.

The National Organization of Victim Assistance model <http://www.trynova.org/> or the International Critical Incident Stress Foundation model <http://www.icisf.org/> are recommended for team training. Once formed and trained, the team should meet on a regular basis throughout the year regardless of whether they have had to respond to a crisis situation or not. This time can be utilized for skill and knowledge revitalization, continued team building and maintenance, and informing team members of any changes in procedures.

References:

National Organization for Victim Assistance

1757 Park Road, N.W. Washington, D.C. 20010 Phone: 202-232-6682

E-mail: www.try-nova.org

International Critical Incident Stress Foundation, Inc.

3290 Pine Orchard Lane Suite 106 Elliott City MD. 21042 Phone 410-750-9600

E-mail: www.icisf.org

CHAPTER 9: PROGRAM MANAGEMENT

511 IAC 4-1.5-8 Student services program management

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-31-4-6

Sec. 8. (a) Program management activities, which are necessary to ensure that the student services program is relevant, efficient, and accountable, may be performed at the school or corporation level and should be the responsibility of a person who holds a credential in a student services area or an administrator.

(b) Program management activities shall include, but are not limited to, the following:

- (1) Conducting needs assessments to serve as a basis for program development.
- (2) Creating and using an advisory board, consisting of staff, parents, students, and community representatives, to advise and support the student services program.
- (3) Developing, in conjunction with school corporation administrators, policies and procedures for each service area for approval by the governing body of the school corporation.
- (4) Coordinating services:
 - (A) within the school;
 - (B) among the schools in the corporation; and
 - (C) between the schools and the community.
- (5) Creating an evaluation system for personnel and services that is based in part on student outcomes.

Program management refers to all three of the Student Services areas—Educational and Career Services, Health Services, and Student Assistance Services. Program management activities are necessary to ensure that Student Services are relevant, efficient, and accountable.

Relevancy is aided by two activities. One is needs assessment.

- The purpose of a needs assessment is to learn from constituents what services are considered important. It is important to consult with all stakeholders, preferably in preparation for, and during, the Core Team problem solving process, when assessing the needs of a student who requires support services beyond universal supports. Needs assessments may also be conducted at the school community, school, grade and class levels as well as for an individual student. The analysis of existing data is recommended for the assessment of larger systems. For example, achievement, discipline, attendance, graduation rate, suspension and expulsion, mobility rate, and diversity data are all readily available for analysis to determine the needs of the larger systems. Needs may also be assessed by various methods. Questionnaires are frequently used because of the ease of administration. Check-off and Likert-type scales are easily completed and scored. If questionnaires are used, it is important to allow constituents to write in concerns. Otherwise needs become defined and limited by those who create the questionnaire. While focus groups are more time consuming, they can yield a wealth of information that cannot be gathered by a

questionnaire. At the individual level, needs can also be determined by reviewing various sources of student information, e.g., health screenings, attendance, dropout and discipline reports, and other student records and school reports. Functional Behavior Assessments also assist in answering behavioral questions and provide information critical to developing needed behavioral interventions.

- A second program activity to ensure relevancy is a local advisory board. Such boards, made up of constituents, can serve as an on-going focus group to provide insight on school and community needs.

Efficiency in program operations is best served through the coordination of activities to minimize service duplication and maximize use of resources. The administrative rule recommends that the corporation appoint an administrator or a Student Services professional to manage the Student Services program at the school or corporation level. Corporation-level coordination is especially important in large corporations that have several buildings at each grade level. Coordination can also occur without a designated leader when Student Services professionals periodically meet as a group to plan and to share information. The key to efficiency and coordination is to reach the right balance. Coordination may mean more meetings and less direct service to constituents. However, when conducted as part of an overall School Improvement Plan, agenda-driven, purposeful meetings can help ensure an efficient Student Services program that is in keeping with the overall goals and objectives of the school.

Accountability refers to program effectiveness. As a result of Student Service program activities, have positive changes been made? The key to accountability is setting specific goals and objectives and then measuring whether the goals and objectives have been met. Given the requirements of Article 7 to monitor progress in response to early assessment and intervention, it is important to document the outcomes of student assistance program activities. Outcome data can be difficult to collect but in the long run will better serve the program and ultimately students. When data is used to identify a system need and an intervention/prevention “program”, such as an attendance program, is put in place to meet that need, it is important to track the rates of attendance in response to the program and record them. Similarly any intervention must be defined in measurable terms so that outcomes may be periodically noted to record progress. At the individual level, there are several behavioral/problem checklists that lend themselves to pre-post assessments. Also, it is always good practice to track grades, test scores, attendance, and disciplinary reports of students receiving student assistance services.

Besides student outcome data, a “customer” satisfaction survey can also be a source of information for program improvement. Such surveys, which ask questions regarding personal experiences with services, can pinpoint problems, as well as document overall program satisfaction. One creative approach is to combine needs assessments and evaluations into one questionnaire. Constituents are asked to rate both whether they think a particular activity is needed or a priority and also to rate its effectiveness. It is important to not only do things well but to do well those things that constituents consider important.

CHAPTER 10: LEGAL INFORMATION AND RESOURCES

Disclaimer: If you have a legal question, seek the advice of an attorney or your school corporation legal counsel. If you have questions on this chapter you can contact the Director, Office of Student Services, Indiana Department of Education.

<http://www.doe.state.in.us/sservices/welcome.html>

This chapter does not, and is not intended to, constitute legal advice.

Overview

The right to attend school in any school in Indiana is found in Section 8 of the Indiana Constitution. <http://www.in.gov/legislative/ic/code/const/>

The law, as it applies to schools, is not a hierarchy with the federal on top and the state or local school board rules on the bottom. The reality is that state and local school board rules define the curricula, administration, and staffing for all schools in the state of Indiana and other practice oriented necessities of the practitioner in teaching, student services, administration, and sometimes buildings and grounds. Rules and policies frequently act to implement requirements of federal and state law.

Federal and state laws and rules provide mandates on certain practices, policies, and procedures. The purpose of the legal issues section is to describe the relationship of law, rule, and ethics to Student Services in schools in Indiana. It is not an explanation of the Student Services Rule.

Authority and Jurisdiction

Authority is the right or permission to act legally on another's behalf. Jurisdiction, specifically agency jurisdiction, is the regulatory or adjudicative power of a government administrative agency over a subject matter or matters (Blacks Law Dictionary (8th ed.), 2004). Student service workers in educational and career services, student assistance services, and health services have the authority to do what the Rules of the Indiana State Board of Education dictate. The Indiana State Board of Education has jurisdiction over all schools in the state of Indiana in the matter of Student Services.

Laws, Rules, Policies, and Ethics

Law and Rule

United States Code, or USC, are statutes of the United States Congress. Annotated volumes of the Code are called United States Code Annotated, or USCA, and have comments and cases related to the statute following each section of the statute. The rules implementing federal law are found in regulations called the Code of Federal Regulations, or CFR. These rules are created by federal agencies in response to congressional legislation requiring certain acts to be performed by government. Rules and codes of the federal government are often called "federal law", and for our purposes, we will use that term to mean both rules and

statutes. Indiana Code, or IC, are the statutes passed by the Indiana General Assembly and signed by the Governor. Rules of agencies of state government are called Indiana Administrative Code, or IAC. The Rules of the Indiana State Board of Education all begin with the number 511 followed by IAC. The Student Services Rule is 511 IAC 4-1.5.

Federal rules for schools may come from the United States Department of Education. Other rules may come from other federal agencies such as the United States Department of Agriculture [school lunch statutes], United States Department of State [concerning exchange student visas], Homeland Security, Immigration and Customs Enforcement to name a few. State rules usually come from the Indiana State Board of Education but may also come from agencies responsible for public health, public safety, transportation, building codes, and other agencies established to protect the homeless, abused and neglected children, and migrant children. The Indiana Department of Education is the agency of government responsible for providing assistance, and in some cases, services to families, schools, communities, and other state agencies in matters related to education.

Court cases can also become “law” by opinion of a court with jurisdiction. Courts decide whether federal or state law has been violated, and some cases decide issues that then become precedent for others to follow. They decide issues of rights of children and parents and schools. Court cases have ended desegregation in public schools; allowed the attendance in schools of migrant children; dealt with issues of freedom of speech in public schools; and continue to be used to clear up issues in litigation in areas such as services to special needs children. To look at court cases affecting education, go to the Legal Information Institute (<http://www.law.cornell.edu/>) and search for any topic in any state.

The Student Services Rule

All public and accredited non public schools in Indiana must comply with the provisions of 511 IAC 4-1.5, the Student Services Rule. <http://www.doe.in.gov/sservices/pdf/ssrule.pdf>

It is called a Legal Standard because the Indiana State Board of Education requires compliance with this rule, and others, for accreditation. The legal standards are found here: <http://doe.state.in.us/accreditation/legals1.htm>

Student Services includes educational and career services, student assistance services, and health services. Educational and career services and health services will not be discussed here. The student assistance service providers [see Article 4, the Student Services Rule] include school social workers, school counselors, and school psychologists. School nurses also should be considered part of this team given the integration of physical concerns with the whole child. All schools and all districts do not have the entire array of student service workers described in the rule. However, the administrator responsible for student service professionals is still required to ensure the services described in this rule.

Legal Issues

Legal issues related to student services may include confidentiality and privilege, parental rights, responsibility to the student, and responsibility to the district employer. A discussion of some of these issues follows.

Confidentiality

The best resource for school personnel on the question of confidentiality of school records is the Forum Guide to Protecting the Privacy of Student Information: State and Local Education Agencies (2004) found at the United States Department of Education, National Center for Educational Statistics Webpage: http://nces.ed.gov/forum/pub_2004330.asp. The companion to this document is the FERPA Toolkit found here: <http://nces.ed.gov/pubs2006/2006805.pdf>

These should be bookmarked for your reference or ordered from USDOE. The Indiana Department of Education also has them on disk.

For an up to date copy of the Family Educational Rights and Privacy Act and other memoranda related to privacy, go to the Family Policy Compliance Office of the United States Department of Education found here:

<http://www.ed.gov/policy/gen/guid/fpcg/index.html>

Generally speaking, no student service provider can discuss any educational record concerning a child with any other person unless that person has a legitimate educational interest or the provider has been given informed consent to release the information.

Privilege

Testimonial privilege is a right not to testify based on a claim of privilege. It is a matter of statutory law for some student service workers. If you have a question concerning privilege, you should contact an attorney or your consultant at the Indiana Department of Education. Note that a consultant cannot give you legal advice but can discuss relevant laws concerning your practice in public or private schools.

Parental Rights

Parents have the ultimate right to decide if a child goes to school in a public or private school, and student service providers are obliged to consult with parents concerning issues related to their child [see the student services rule]. However, when a child is in school, the student service provider is required to provide certain assessment and prevention strategies by state board rule and no parent may dictate how or if those services will be provided. The most common issue is a parent demanding that a certain student service provider not have contact with a child. Unless the parent gets a court order to that effect or the principal or superintendent orders it, the student service provider has an obligation to serve the child.

Responsibility to the student and the district employer

The student service provider has a contract with the district and is the employee of the district. However, in the provision of student services, laws may prevent the sharing of any information with administrators unless there is evidence of child abuse or neglect or suicidal or homicidal behavior. In a case of a conflict, the student service provider should review the relevant state and federal laws regarding confidentiality and make a professional decision related to that case.

Ethics

Ethics are rules of behavior found in every profession. They provide guidance and assistance in a variety of situations regarding client, patient or student, and professional conduct and relationships.

Student service providers should contact their state organization or national organization or visit their Website if they have questions concerning the ethics of their practice in schools. Ethics are important guidelines, but they are not laws. In a conflict between a legal obligation and an ethical obligation, the professional practitioner must make a decision between the sanctions of the state or federal authority and the guidelines of practice they are sworn to uphold.

Other Web Resources

Indiana Register: <http://www.in.gov/legislative/register/index-28.html>

Here you can access all rules and laws of the state of Indiana.

State Attendance Officer: <http://www.doe.state.in.us/sservices/sao.htm>

A variety of Websites related to privacy, government services and laws related to students in schools.

Office of Student Services: <http://www.doe.state.in.us/sservices/welcome.html>

Links to points of contact and information for school safety, school social work, school counseling, school health, and attendance.

Indiana General Assembly: <http://www.in.gov/legislative/>

The best source of current information related to legislation in Indiana.

Indiana.Gov: <http://www.in.gov/>

Your state Website

Legal Information Institute [LII]: <http://www.law.cornell.edu/>

A good, general Website for information pertaining to federal law.

Washburn University School of Law [Washlaw]: <http://www.washlaw.edu/>

Another good Website for legal information

Thomas-Library of Congress: <http://thomas.loc.gov/>

Another good source of information on the legislative process and federal law.

Future Additions:

Health Services

The Problem Solving Process